

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Earl Arnold,

Plaintiff, Case No. 16-cv-13403

v.

Judith E. Levy
United States District Judge

Hutchinson, Dr., and R. Harbaugh,
RN,

Mag. Judge Mona K. Majzoub

Defendants.

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION
[24] DENYING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT [12] GRANTING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT [14], AND DENY DEFENDANT'S
MOTION TO DISMISS [25] AS MOOT**

Before the Court is Magistrate Judge Majzoub's Report and Recommendation (Dkt. 24) recommending the Court deny plaintiff's motion for summary judgment (Dkt. 12) and grant defendant R. Harbaugh's motion for summary judgment. (Dkt. 14.) The parties were required to file specific written objections within fourteen days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d). No objections were filed. The parties, by failing to object to the Report and

Recommendation, have waived any further right of appeal. *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

The Court has reviewed this case in its entirety, and finds that the Magistrate Judge's Report and Recommendation is well founded. Accordingly, plaintiff's motion for summary judgment (Dkt. 12) is DENIED, and defendant's motion for summary judgment (Dkt. 14) is GRANTED. Because the relief defendant Hutchinson seeks in his recently-filed (and untimely) motion to dismiss is already granted by adopting the Report and Recommendation, the motion (Dkt. 25) is DENIED AS MOOT. The case is DISMISSED.

IT IS SO ORDERED.

Dated: June 9, 2017
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 9, 2017.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager